

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN M. SLATER

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

CASE NO. 2:10-CV-01352 RBL JRC

REPORT AND RECOMMENDATION

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the parties' stipulated motion to remand the matter to the administration for further consideration. (ECF No. 18.)

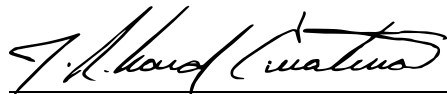
After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the case be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. The undersigned recommends that the Administration take the following actions:

- Conduct a new hearing, further develop the record and issue a new decision;
- Re-evaluate and further develop the medical evidence or record;
- Re-evaluate step two and step three of the sequential evaluation process;
- Re-evaluate Plaintiff's credibility;
- Re-evaluate Plaintiff's RFC; and
- Re-evaluate steps four and five with the assistance of a vocational expert, if necessary.

This Court further recommends that the Administration take any other actions necessary to develop the record. In addition, Plaintiff should be allowed to submit additional evidence and arguments to the Administrative Law Judge on remand.

Given the facts and the parties' stipulation, this Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

DATED at this 13th day of April, 2011.



J. Richard Creatura
United States Magistrate Judge